

**RENEWAL OF INFORMATION COLLECTION REQUEST FOR THE  
CONTINUOUS RELEASE REPORTING REQUIREMENT**

**March 8, 2001**

**RQ102-CR2**

**DRAFT for PUBLIC COMMENT**

## TABLE OF CONTENTS

1.	IDENTIFICATION OF THE INFORMATION COLLECTION .....	2
1(a)	Title and Number of the Information Collection .....	2
1(b)	Short Characterization .....	2
2.	NEED FOR AND USE OF THE COLLECTION .....	4
2(a)	Need and Authority for the Collection .....	4
2(b)	Practical Utility and Users of the Data .....	4
3.	NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA .....	5
3(a)	Nonduplication .....	5
3(b)	Public Notice .....	6
3(c)	Consultations .....	6
3(d)	Effects of Less Frequent Collection .....	6
3(e)	General Guidelines .....	7
3(f)	Confidentiality .....	7
3(g)	Sensitive Questions .....	7
4.	THE RESPONDENTS AND THE INFORMATION REQUESTED .....	7
4(a)	Respondents and SIC Codes .....	7
4(b)	Information Requested .....	7
	(i) Data Items, Including Recordkeeping .....	7
	(ii) Respondent Activities .....	11
5.	THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT .....	12
5(a)	Agency Activities .....	12
5(b)	Collection Methodology and Management .....	13
5(c)	Small Entity Flexibility .....	14
5(d)	Collection Schedule .....	14
6.	ESTIMATING THE BURDEN AND COST OF THE COLLECTION .....	15
6(a)	Estimating Respondent Burden .....	15
6(b)	Estimating Respondent Costs .....	21
6(c)	Estimating Agency Burden and Costs .....	27
6(d)	Estimating the Respondent Universe and Total Burden and Cost .....	30
6(e)	Bottom Line Burden Hours and Costs .....	32
6(f)	Reasons for Change in Burden .....	32
6(g)	Burden Statement .....	32

## LIST OF EXHIBITS

Exhibit 1	
Unit Burden Hours per Respondent Information Collection Activity .....	20
Exhibit 2	
Burden Hours for a Typical Facility .....	21
Exhibit 3	
Unit Labor Cost per Respondent Information Collection Activity .....	23
Exhibit 4	
Annual Labor Costs for a Typical Facility .....	24
Exhibit 5	
Unit Operating and Maintenance Costs per Respondent Information Collection Activity .....	25
Exhibit 6	
Operating and Maintenance Costs for a Typical Facility .....	26
Exhibit 7	
Unit Labor and Operating and Maintenance Costs per Respondent Information Collection Activity .....	26
Exhibit 8	
Labor and Operating and Maintenance Costs for a Typical Facility .....	27
Exhibit 9	
Unit Burden Hours and Costs Incurred by the Government per Information Collection Activity .....	30
Exhibit 10	
Number of Facilities and Hazardous Substance Releases Already Affected by the CRRR .....	31
Exhibit 11	
Number of Facilities and Hazardous Substance Releases That Will Be Affected by the CRRR in the Next Three Years .....	31
Exhibit 12	
Annual Burden Hours and Costs Incurred by Industry .....	34
Exhibit 13	
Annual Burden Hours and Costs Incurred by Government .....	35

Exhibit 14	
Summary of Burden Hours and Costs Incurred by Industry . . . . .	36
Exhibit 15	
Summary of Burden Hours and Costs Incurred by Government . . . . .	36

## **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

### **I(a) Title and Number of the Information Collection**

Continuous Release Reporting Regulations (CRRR) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) - EPA No. 1445.05.

### **I(b) Short Characterization**

This information collection request (ICR) addresses the reporting and recordkeeping activities required to comply with EPA's continuous release reporting regulation (CRRR; 40 CFR 302.8) implementing section 103(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The CRRR, developed by EPA's Office of Emergency and Remedial Response in the Office of Solid Waste and Emergency Response, clarifies the types of releases that qualify for reporting under CERCLA section 103(f)(2) and establishes the reporting requirements applicable to qualifying releases. Estimates of the burden placed on industry and the government to comply with the release notification requirements are presented on an annual basis.

### **Background**

CERCLA section 103(a) requires persons in charge of a facility or vessel to immediately notify the National Response Center (NRC) of any hazardous substance release that equals or exceeds its reportable quantity (RQ) and is not federally permitted. Notification under CERCLA is intended to ensure that Federal authorities receive prompt notification of hazardous substance releases for which a timely response may be necessary to protect public health or welfare or the environment from any adverse effects that may be associated with the release. Section 103(f)(2) of CERCLA provides relief from the per-occurrence notification requirements of section 103(a) for hazardous substance releases that are "continuous," and "stable in quantity and rate," provided that such releases are reported "annually, or at such time as there is any statistically significant increase" in the quantity of the release. Section 103(f)(2) contemplates that, in the case of certain "continuous" and "stable" releases, the notification objectives of CERCLA can be achieved with less frequent reporting.

In developing the CRRR, EPA sought to extend the reduced reporting requirements of section 103(f)(2) to all regularly occurring routine releases based on the rationale that less frequent reporting is appropriate for any release that is predictable and regular with respect to quantity, rate, and timing. Accordingly, the CRRR defines continuous to include routine, anticipated, intermittent releases, in addition to releases that are continuous without interruption. Similarly, the CRRR considers a release to be "stable in quantity and rate" if it is predictable and

regular in quantity and rate of release. Thus, the CRRR allows a majority of facilities and vessels with routine releases to take advantage of the reduced notification system established under CERCLA section 103(f)(2).

### **Baseline and Scope of this ICR**

Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) requires facilities to notify State and local emergency response officials of any release that requires “or occurs in a manner which would require” reporting under section 103(a) of CERCLA. SARA Title III section 304 requirements apply to releases of CERCLA hazardous substances and extremely hazardous substances. Facilities with releases that qualify for reduced reporting under CERCLA section 103(f)(2) are not relieved of their notification obligations pursuant to SARA Title III; such facilities, however, may utilize the reduced notification scheme of the CRRR to fulfill their SARA Title III reporting obligations. Because the notification of State and local authorities results from the statutory requirements in SARA Title III section 304, the provision of information to State and local officials is not attributable to the CRRR under CERCLA and, thus, is not considered in this ICR.

The continuous release final rule has been in effect since September 24, 1990. This ICR utilizes historical data on the number of continuous release reports submitted to the Federal government to estimate the number of burden hours attributable to the CRRR. The data on the number of continuous release reports submitted to the Federal government are contained in the Continuous Release – Emergency Response Notification System (CR-ERNS).

In the first year of the three-year period covered by this ICR, it is estimated that 2,518 facilities will be affected by the CRRR. Of the 2,518 facilities affected in the first year, it is assumed that 176 will be reporting continuous releases for the first time and the remaining 2,342 will be meeting information collection requirements for ongoing releases. In the second and third years, it is estimated that 189 and 203 additional facilities, respectively, will generate reportable continuous releases. When calculating the burdens and costs in this ICR it has been assumed that the typical facility participates in information collection activities for each release. For example, the typical facility will provide an initial telephone notification and written report for each of its continuous releases. In fact, it is likely that many facility operators will consolidate collection activities for releases at their facilities (e.g., provide one telephone notification for several releases). Assuming eight releases per facility per year, and thus 8 information collection activities per facility per year, the total number of continuous release information collection activities in the first year of the three-year period covered by this ICR is estimated to be 20,144 (1,408 initial notification activities and 18,736 ongoing notification activities). In the second and third years of the period covered by this ICR, it is estimated that 1,512 and 1,624 information collection activities, respectively, will take place. The total estimated burden to respondents is approximately 231,636, 249,028, and 267,688 hours in years

1, 2, and 3, respectively. For the regulated community, the estimated information collection activity costs (including labor and O&M costs) are \$10,472,405, \$11,258,725, and \$12,102,352 in years 1, 2, and 3, respectively. The total estimated burden to the government is approximately 28,166, 30,260, and 32,519 hours in years 1, 2, and 3, respectively. The estimated total cost to the government is \$1,013,985, \$1,089,369, and \$1,170,684, in years 1, 2, and 3, respectively.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need and Authority for the Collection**

The information collection required in the CRRR (40 CFR 302.8) is fully authorized under CERCLA section 103(f)(2) and section 104(e). CERCLA section 103(f)(2) provides relief from the notification requirements of CERCLA section 103(a) for hazardous substance releases that are “continuous,” “stable in quantity and rate,” and for which notification has been given under CERCLA section 103(a) “for a period sufficient to establish the continuity, quantity, and regularity” of the release. Further, CERCLA section 103(f)(2) requires that notification of releases qualified as continuous under the CRRR must be provided “annually, or at such time as there is any statistically significant increase” in the quantity of the release. The specific information provided in the required notifications is authorized under CERCLA section 104(e). CERCLA section 104(e) authorizes the collection of information, entry, and inspection and sampling activities for the purposes of determining the need for a response, or choosing or taking any response action under CERCLA. In addition, CERCLA section 103(f)(2) establishes a notification system that documents information provided in the respondent notifications. The information collection and management requirements of the CRRR are necessary to determine if a response action is needed to control or mitigate any potential adverse effects associated with a reported hazardous substance release.

### **2(b) Practical Utility and Users of the Data**

The information collected under the CRRR is used to evaluate the acute and chronic effects of the continuous release to determine if a response action is necessary to prevent or mitigate any adverse effects. Any hazardous substance release that equals or exceeds its RQ warrants a timely evaluation of its source, emission rate, and chemical form, the proximity of sensitive populations or ecosystems, and the ambient conditions, to ensure the protection of public health and welfare and the environment. Agency responses to continuous hazardous substance release notifications may take a number of forms ranging from requests for more detailed information (to allow for a more detailed risk assessment), to the imposition of more stringent emissions limitations, to removal and/or remedial actions. Finally, the release notification information is used by State and local government emergency planners to conduct State and local emergency response planning.

### **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Nonduplication**

The hazardous substance release information requested under the CRRR in the initial written and follow-up reports is the minimum information necessary to properly evaluate a hazardous substance release. EPA analyzed possible areas of overlap with other regulations, concluding that there are limited areas of overlap with reporting requirements under other statutes and provisions. In particular, some facilities may need to provide similar hazardous substance release information to satisfy reporting requirements for the Toxic Release Inventory (TRI) report under SARA section 313. The level of duplication, however, is limited because of differences in the list of chemicals, and the SIC and facility sizes affected by SARA section 313. SARA section 313 requirements only apply to facilities in certain SIC categories whose inventory quantities exceed 10,000 pounds; CERCLA section 103 affects facilities in all SIC codes regardless of inventory amounts. In addition, the SARA section 313 list of toxic chemicals includes only about one-fourth of the listed CERCLA hazardous substances. Further, the SARA section 313 list includes some substances that are not on the CERCLA list at all. See Exhibit A-1 in Appendix A for the list of facility SIC codes affected by SARA section 313.

To minimize any duplication in reporting, EPA allows facilities that are subject to the reporting requirements of both regulations to submit the SARA section 313 report (otherwise known as the TRI report) as a substitute for the written reports required under the CRRR, provided that certain additional continuous release information is included as an addendum to the TRI report. If the TRI report is submitted in lieu of the continuous release written report, based on each source release, the following continuous release information must also be included in the TRI report: (1) the upper and lower bounds (normal range) of the release over a 24-hour period of each hazardous substance; (2) the frequency of the release from each release source; (3) a signed statement describing the basis for asserting that the release is continuous and stable in quantity and rate; (4) the population density within a one-mile radius; and (5) the identity and location of any sensitive populations and ecosystems within a one-mile radius. These additions will provide EPA with information that is not available from the TRI report, but is required to properly evaluate the need for a government response.

Additionally, continuous release reporting under CERCLA section 103(f)(2) eliminates frequent and repetitive reporting under CERCLA section 103(a). If a facility with continuous releases were to report on a per-occurrence basis under section 103(a), the facility would be notifying the NRC daily. Analysis of CR-ERNS and Emergency Response Notification System (ERNS) data indicates that some respondents with releases that would qualify as continuous releases are reporting the releases on a per-occurrence basis. Respondents with continuous releases may be unnecessarily reporting under CERCLA section 103(a) because they: (1) may not



be familiar with the reduced reporting option under section 103(f)(2), or (2) may not realize that there is a reduced burden associated with a one-time initial telephone notification and submission of an initial written report and one follow-up report under the CRRR. EPA's outreach efforts to increase industry awareness are described in Section 5(b). As respondents become more aware of the CRRR and the ability to simplify and reduce expenses associated with continuous release reporting, it is possible that some reports could be redirected from CERCLA section 103(a) (ERNS) to CERCLA section 103(f)(2) (CR-ERNS).

### **3(b) Public Notice**

In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.), EPA has notified the public through the Federal Register notice on the renewal of this ICR (See 65 FR 37131, June 13, 2000). EPA received four comments in response to this notice. The notice however; was withdrawn on August 22, 2000 (65 FR 50985) so that additional information could be included in this Information Collection Request support document. The first notice was published again in the Federal Register allowing for 60 days of public comment.

### **3(c) Consultations**

EPA has consulted with a number of Federal and State government agencies in the development of the information collection activities described in this ICR. In developing the CRRR, EPA formed a Workgroup to address the comments received on the Notice of Proposed Rulemaking (NPRM) published on April 19, 1988 (53 FR 12868). The Workgroup consisted of representatives from various EPA program offices, the ten EPA Regions, and the NRC. EPA Regional offices are responsible for the implementation of the final rule. Participation by these parties in the Workgroup was sufficient to address and resolve all outstanding issues. The comments received on the NPRM are addressed in the Response to Comments Document and in the preamble to the final rule.

EPA has sponsored several workshops throughout the country for industry and Federal, State, and local government officials on the release notification requirements under CERCLA and SARA Title III, including the requirements under the CRRR. The workshops were held to educate the regulated community as well as those Federal and State agencies required to implement the regulations. In addition, the workshops provided an opportunity for the public to comment on the implementation of the regulation.

### **3(d) Effects of Less Frequent Collection**

The frequency of information collection established in the CRRR is the minimum level necessary for proper evaluation of continuous releases. If the information collected under the CRRR, such as the source, frequency, and composition of the release, the environmental media

affected, and the identity and location of any sensitive populations or ecosystems, were collected less frequently than stipulated under the CRRR, the Federal government's ability to properly evaluate the threat posed by the release and the need for a response action would be jeopardized.

### **3(e) General Guidelines**

The regulations imposed by CERCLA section 103(f)(2) adhere fully to OMB's general guidelines concerning the collection of information and the control of paperwork burdens on the public.

### **3(f) Confidentiality**

The regulations implementing CRRR do not require the submittal of any proprietary, trade secret, or other confidential information.

### **3(g) Sensitive Questions**

The regulations implementing CRRR do not require the submission of any sensitive business information. In addition, the information collection requested under these regulations is in compliance with the Privacy Act of 1974 and OMB Circular A-108.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) Respondents and SIC Codes**

This section is not applicable. The usage and release of hazardous substances are pervasive throughout industry. EPA expects a number of different industrial categories to report hazardous substance releases under the provisions of the CRRR. No one industry sector or group of sectors is disproportionately affected by the information collection burden.

### **4(b) Information Requested**

#### **(i) Data Items, Including Recordkeeping**

To ensure that government authorities receive timely and sufficient information to evaluate potentially dangerous hazardous substance releases reported under CERCLA section 103(f)(2), the CRRR requires seven types of information collection activities:

- An initial telephone call to the NRC;
- An initial written report to the EPA Region;
- A one-time follow-up written report to the EPA Region on or before the first-year

- anniversary of the submission of an initial written report;
- An annual evaluation of a release beginning the year after the submission of the one-time follow-up written report;
- Notification to the NRC and EPA Regions of a change in the sources, composition, or frequency of a release;
- Notification to the EPA Region of a change in other information previously submitted; and
- Immediate notification to the NRC of any statistically significant increase (SSI) in the quantity of a release.

The time required by a facility to complete the seven information collection activities varies and is largely contingent on the nature of the reported releases and the facility's information collection procedures. However, EPA has estimated the average amount of time that is needed to perform these seven information collection activities, and the average unit burden hours are presented in section 6(a). The unit burden hours used in this ICR are based upon estimates from the CRRR economic analysis. The CRRR Economic Impact is available in rulemaking Docket Number 103(f)CR - 4-8.

Reporting continuous releases represents a reduction in burden for facilities that would otherwise report releases on a per-occurrence basis. EPA believes that the notification system developed under the CRRR represents the minimum level of reporting necessary for the Federal On-Scene Coordinator (OSC) to evaluate whether a response action is needed to prevent or mitigate any hazards to public health and welfare and the environment. The following paragraphs briefly describe the purpose and timing of each information collection activity and list the data items that comprise each notification.

**Initial Telephone Notification to the NRC** – The initial telephone call to the NRC serves to notify government authorities of the facility's intent to report a hazardous substance release under CERCLA section 103(f)(2). All such releases must be released in a continuous and stable manner. The initial telephone call, in conjunction with the initial written report, fulfills the statutory requirement that the release be reported under CERCLA section 103(a) for a period sufficient to establish the continuity, quantity, and regularity of the release. The information provided in the initial telephone notification must include:

- The name and location of the facility; and
- The name(s) and identity(ies) of the hazardous substance(s) being released.

**Initial Written Report and the Follow-up Written Report** – The initial written report and the follow-up written report, which are sent to the EPA Region, provide a full description of the release. The initial written report and follow-up written report serve as the basis for a comprehensive evaluation of the hazards posed by the release. Based on this comprehensive

evaluation, government authorities determine if a response action is necessary to prevent or mitigate any adverse effects. The initial written report must be submitted within 30 days of the initial telephone call. This 30-day period does not necessarily provide enough time to collect all relevant and appropriate data, but does allow for an initial evaluation of the release. The follow-up written report, due one year after submission of the initial written report, serves to verify the information provided on the initial written report (NOTE: there cannot be any form of change in source, composition, or frequency of release without going through the process again). The follow-up written report helps ensure that the information used to evaluate the hazards posed by the release is current and accurate information.

The data elements requested in the initial written and follow-up report are identical and consist of:

- The name of the facility or vessel; the location, including the longitude and latitude; the case number assigned by the National Response Center or Environmental Protection Agency; the Dun and Bradstreet number of the facility (if available); the port of registration of the vessel (if applicable); and the name and telephone number of the person in charge of the facility or vessel. [40 CFR 302.8(e)(1)(i)]
- A signed statement that the hazardous substance release described is continuous and stable in quantity and rate under the definitions of 40 CFR 302.8(b) and that all reported information is accurate and current to the best knowledge of the person in charge. [40 CFR 302.8(e)(1)(iv)(H)]
- The population density within a one-mile radius of the facility or vessel, described in terms of the following ranges: 0-50 persons, 51-100 persons, 101-500 persons, 501-1,000 persons, and more than 1,000 persons. [40 CFR 302.8(e)(1)(ii)]
- The identity and location of sensitive populations and ecosystems within a one-mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands). [40 CFR 302.8(e)(1)(iii)]

In addition, facilities must provide the following substance-specific information for each continuous release:

- The sources of the release, including specific source information (e.g., valves, pump seals, storage tank vents, stacks). [40 CFR 302.8(e)(1)(iv)(C)]
- The environmental medium(a) affected by the release: if air, provide stack height or surface area affected; if surface water, the name of the surface water body; if a stream, the stream order or average flowrate and designated use; if a lake, the surface area and

average depth; if on or under ground, the location of public water supply wells within two miles. [40 CFR 302.8(e)(1)(iv)(G)(1-4)]

- The frequency of the release and the fraction of the release from each release source and the period over which it occurs. [40 CFR 302.8(e)(1)(iv)(D)]
- A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate. [40 CFR 302.8(e)(1)(iv)(E)]
- The name and identity of the hazardous substance; and the Chemical Abstracts Service Registry Number for the substance. If the release is a mixture, the hazardous substance components of the mixture and their approximate concentrations and quantities, by weight. [40 CFR 302.8(e)(1)(iv)(A)]
- The upper and lower bounds of the normal range of the release over the previous year. [40 CFR 302.8(e)(1)(iv)(B)]
- An estimate of the total annual amount of the hazardous substance released in the previous year (in pounds or kilograms). [40 CFR 302.8(e)(1)(iv)(F)]

**Annual Evaluation of a Release** – Although a reporting facility is no longer required to submit a written report on its continuous releases after submitting a one-time written follow-up report verifying the information provided on the initial written report remained the same, the reporting facility must conduct and document an annual assessment of its continuous releases beginning the year after the submission of the follow-up written report. The purpose of the annual evaluation is to identify any changes that may have occurred in the release situation over the preceding year. The annual evaluation of a continuous release helps ensure that the information used to evaluate the hazards posed by the release is current and accurate information.

**Change in the Source, Composition, or Frequency of a Release Report** – If there is a change in the source, composition, or frequency of a release, the release must be reported and treated as a new continuous release. An initial telephone notification and written change report must be provided as described above. The person in charge also must submit a follow-up report within one year of the change report.

**Other Changes in Information** – Facilities experiencing a change in a continuous release that invalidates information previously submitted on the continuous release must notify the appropriate EPA Region by letter within 30 days of the change. The letter regarding the change in the release should explicitly identify the new (or changed) information and include an explanation for the change. For example, a facility must notify EPA if any schools, hospitals, retirement homes, or other developments housing sensitive populations open within one mile of

the facility.

**Statistically Significant Increase Report** – The CRRR defines an SSI as a release of a hazardous substance that exceeds the upper bound of the normal range of the release as established by the facility. The normal range of a release is defined by the range of release weights (in pounds or kilograms) recorded during the preceding year under normal operating conditions (that is, conditions that prevail during the period establishing the predictability and regularity of the release). Therefore, an SSI does not include releases within the reported normal range of release. An SSI release is considered an episodic release because it is a release above the RQ. Thus, SSIs must be immediately reported to the NRC by telephone pursuant to the notification requirements of CERCLA section 103(a). The information collected by the NRC in an SSI report includes the same information supplied when reporting any other episodic release (e.g., quantity of the release, source of the release, and a description of any response actions taken).

The person in charge of a facility with an SSI may modify the previously established normal range as an alternative to reporting multiple SSIs. To modify the normal range of the release over a 24-hour period under normal operating procedures, the person in charge of the facility must report at least one SSI to the NRC as an episodic release (to facilitate immediate evaluation), and then must submit a written change report of the release information to the appropriate EPA Region describing the new normal range and reasons for the change; thus treating the SSI as a new release. Thus, for example, if a facility doubles its production level thereby doubling its release level, the facility may want to double its reported normal range of the continuous release, rather than reporting multiple SSIs. The person in charge also must submit a follow-up report within one year of the submission of the change report

**Recordkeeping** – Facilities may maintain a log or some other record of each hazardous substance release reported under CERCLA section 103(f)(2). The information documented in the record can be used to demonstrate compliance with the provisions of the CRRR, including the requirement to demonstrate the continuity and stability of the release and the requirement to conduct an annual evaluation of the release. Additionally, facilities may find it useful to document daily release quantities for use in substantiating and modifying the normal range of the release.

## **(ii) Respondent Activities**

To comply with the provisions of the CRRR, the regulated community performs the following information collection activities:

- Provide an initial telephone call to the NRC;
- Provide an initial written report to the EPA Region;

- Prepare a one-time follow-up written report for the EPA Region on or before the first-year anniversary of the submission of an initial written report;
- Conduct an annual evaluation of a release beginning the year after the submission of the one-time follow-up written report;
- Prepare change in the sources, composition, or frequency of a release reports;
- Prepare change in other information reports;
- Provide immediate notifications of SSIs; and
- Maintain a log or other formal record to document compliance with the CRRR.

Each of these notification and recordkeeping activities was listed and described in detail in section 4(b)(i). In addition to these activities, however, persons in charge of a facility may be required to perform additional collection activities in response to the Federal government's evaluation of the facility's continuous release reports. In situations where EPA's evaluation of release reports engenders concern over potential adverse effects, EPA may require the person in charge of the facility in question to submit additional information or clarify and refine information previously submitted. EPA may use this additional information to better assess the risks associated with the release. Finally, in response to a release report or additional information, EPA may conduct a site inspection. Industry personnel accompany EPA personnel during the site inspection to address any questions, concerns, or information requests that may arise. Thus, the following other activities are included within the information collection activities performed by the regulated community:

- Provision of additional information; and
- Site inspection.

Estimates of the burden hours incurred by industry as a result of reporting continuous releases are developed based on estimates of the time expended in providing a specific report (e.g., the initial telephone call, the initial written report, the follow-up written report) as opposed to developing estimates for each work element (e.g., gathering information, reviewing report formats, completing reports) involved in completing all of the required activities. The burden estimates for each information collection and recordkeeping activity performed by the regulated community under the CRRR are presented in Section 6(a) of this ICR.

## **5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **5(a) Agency Activities**

Each of the notification reports submitted by industry is processed and evaluated by Federal authorities. Information from the various notification reports is processed by feeding the

notification report information into a data base; the data base stores the notification report information by facility and hazardous substance release. The Federal government processes the following notification reports:

- Initial telephone notifications;
- Initial written reports;
- One-time follow-up written reports;
- Change in the sources, composition, or frequency of a release reports;
- Change in other information reports; and
- SSI reports.

The notification report information also is evaluated with a risk screening model to determine if a hazardous substance release may pose a hazard that warrants further evaluation. For some continuous releases evaluated under the CRRR, EPA may request additional information or clarification of information previously submitted by a facility. EPA may use this information to conduct a more in-depth risk assessment of the release. In some extreme cases, the in-depth risk assessment may not allay EPA's concerns and EPA may decide to conduct a site inspection to review the circumstances associated with the release first-hand. Additionally, site inspections may be conducted periodically as a compliance and enforcement measure. Thus, the Agency performs the following other activities as a result of continuous releases reported under CERCLA section 103(f)(2):

- Request additional information; and
- Conduct site inspections.

Estimates of the burden hours incurred by the Federal government are developed based on estimates of the time expended in processing the notification reports required under the CRRR (e.g., the initial written report, SSI notification) or completing another activity (e.g., additional information, site inspection) as opposed to developing estimates for each work element (e.g., reviewing data, entering data, filing, evaluating a release, storing evaluation results) involved in completing all of the required activities. The burden estimates developed for each of the processing, evaluating, and other activities performed by the Federal government are presented in Section 6(c.) of this ICR.

### **5(b) Collection Methodology and Management**

To facilitate collection and storage of information on continuous releases, EPA developed CR-ERNS. CR-ERNS is an information management system that serves as the depository for continuous release information received by the EPA Regions. CR-ERNS is designed to assist EPA Regional personnel in managing continuous release information and establishing priorities with respect to the review and evaluation of continuous release reports. The reports submitted to



the EPA Regions include the initial written report, the follow-up report, and changes in release reports. Additionally, the NRC immediately notifies the appropriate EPA Region of any SSI reports.

Once the information is entered into CR-ERNS, the information is evaluated using a screening level risk assessment model, called the Preliminary Assessment Model (PAM). This model is an integral part of CR-ERNS that was developed to assist EPA Regional personnel in the evaluation of the long-term (i.e., chronic) threat posed by a continuous release. The PAM model employs fate and transport models to estimate the risks associated with the continuous release. After completing the evaluation of a release, PAM generates summary reports in which a red, yellow, or green rating is assigned to each release. Each rating corresponds to a risk range; a red or yellow flag indicates that the continuous release may warrant further investigation, such as a site inspection. According to the EPA Regional CR-ERNS Coordinators, there are several cases where the PAM-generated red flag has led to further investigation by State officials, local officials, and OSCs.

The use of PAM by the EPA Regions reduces the burden on Regional resources and expedites the processing and evaluating of continuous release reports.

#### **5(c) Small Entity Flexibility**

The notification requirements under section 103(a) of CERCLA and the reporting relief available under section 103(f)(2) apply equally to all firms regardless of size. There are no special information collection or recordkeeping requirements on small businesses. EPA believes that the notification system developed under the CRRR represents the minimum level of reporting necessary for the Federal OSC to evaluate whether a response action is needed to prevent or mitigate any hazards to public health and welfare and the environment. A reduction in the reporting requirements facing small businesses is not possible without jeopardizing the quality of the information needed to evaluate the threat posed by the release and the need for a Federal response.

#### **5(d) Collection Schedule**

The facility must provide an initial telephone call to the NRC as soon as the person in charge has knowledge of a hazardous substance release that equals or exceeds its RQ. The caller must decide whether to report the release under CERCLA section 103(a) (i.e., as an episodic release) or CERCLA section 103(f)(2) (i.e., as a continuous release). The reporting and recordkeeping activities associated with reporting an episodic release under CERCLA section 103(a) are presented in EPA ICR No. 1049.09. If the caller reports a continuous release, the initial written report required by CERCLA section 103(f)(2) must be provided within 30 days of the initial telephone call. In the second year of reporting, the facility must submit a written

follow-up report to the EPA Region within 30 days of the anniversary date of submission of the initial written report. Thereafter, the reporting facility is responsible for reevaluating the release annually, but no reports are required unless there is a change in the sources or composition of a release, a change in release information previously submitted, or an SSI in the release.

SSIs in a release are considered to be episodic releases and must be reported as soon as the person in charge is aware that an SSI has occurred. If there is a change in the information submitted in the initial written or follow-up report, other than a change in sources, composition, or frequency of the release, the person in charge must submit a letter detailing the change to the EPA Region within 30 days of determining that a change has occurred.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

### **6(a) Estimating Respondent Burden**

To report a continuous release, the regulated community performs the following activities (outlined in Section 4(b) of this ICR): (1) provide an initial telephone notification to the NRC; (2) prepare an initial written report for the EPA Region; (3) prepare follow-up written report for the EPA Region on the first-year anniversary of the submission of the initial written report; (4) conduct an annual evaluation of the release beginning the year after the submission of the one-time follow-up written report; (5) report a change in the sources, composition, or frequency of the release; (6) report a change in other information; (7) report SSIs in the release; (8) comply with other activities; and (9) keep records on the release, including documentation of the annual evaluation. Activities (5), (6), (7), and (8) are conditional activities and are necessary for only a small fraction of all the continuous releases reported each year. For example, SSIs are defined in the CRRR as hazardous substance releases whose quantity exceeds the upper bound of the normal range, where the normal range includes all releases of the hazardous substance reported or occurring during the previous year. Thus, only a small fraction of facilities experience SSIs in their continuous releases in a given year.

When calculating the burdens and costs in this ICR it has been assumed that the typical facility participates in all the necessary information collection activities for each release. For example, the typical facility will provide an initial telephone notification and written report for each of its continuous releases. In fact, it is likely that many facility operators will consolidate collection activities for releases at their facility (e.g., provide one telephone notification for several releases).

The estimated burden hours for each of the activities listed in the paragraph above are presented in Exhibit 1. The burden estimates are taken from the CRRR economic impact analysis and are based on CERCLA reporting experience, SARA section 313 reporting

experience, and professional judgment. A description of the basis for each burden estimate, as well as the percentage of continuous releases for which the burden is expected to be incurred, is provided in the remainder of this section.

**Providing an Initial Telephone Notification to the NRC** – In providing the initial telephone notification, facilities incur a one-time, first-year burden of notifying the NRC that a hazardous substance release is being reported under CERCLA section 103(f)(2). Providing the required information by telephone to the NRC is estimated to require 15 minutes (0.25 hours) of management time. Prior to the telephone call, however, the facility must determine if the release is continuous and stable in quantity and rate as defined in the CRRR. This determination is estimated to require 45 minutes (0.75 hours) of management time and two hours of technical time. Forty-five minutes (0.75 hours) of management time and two hours of technical time should be sufficient to determine if a release is continuous because facilities likely to be affected by the CRRR should be familiar with the reporting requirements of CERCLA section 103. In total, the burden associated with the initial telephone call is three hours.

**Preparing an Initial Written Report** – The burden associated with providing the initial written report also is a one-time, first-year cost. Much of the information required for the initial written report (e.g., facility identification, hazardous substance identification, frequency and source of the release) is readily available to the facility. Information such as the composition of the release and the environmental media affected, however, may require more extensive consideration and analysis. In addition, some time is needed to organize and format the required information into a report suitable for submission to the government. It is assumed that many facilities will use EPA's prepared report format to minimize report organization and formatting efforts. Reporting Requirements and sample forms are available in pdf format on EPA's internet: <http://www.epa.gov/superfund/resources/release/facility.htm>. Preparation of the initial written report that uses EPA's prepared report format is estimated to require three hours of managerial time, three hours of technical time, and one hour of clerical time. To account for the burden experienced by the facilities that do not use EPA's prepared report format, EPA has increased the technical burden to four hours. The costs of photocopying and mailing this report and all other reports to the appropriate EPA Region are computed in Section 6(b). Preparation of the initial written report is estimated to require three hours of managerial time (including one-hour of legal review), four hours of technical time, and one hour of clerical time. Thus, the total burden associated with the initial written report is eight hours.

**Preparing a Follow-up Written Report** – Within one year of submitting the initial written report, facilities must submit a one-time follow-up written report to the appropriate EPA Region. The follow-up report requires the same information as the initial written report but serves to confirm, update, and refine the information provided in the initial report based on release data from the previous operating year. Because some of the technical information gathered for preparation of the initial written report, such as the source of the release and specific

information describing the environmental media affected, remains unchanged, preparation of the follow-up report requires less technical time than preparation of the initial written report. EPA estimates that preparation of the follow-up report requires three hours of managerial time, one hour of technical time, and one hour of clerical time. In total, the burden associated with the follow-up written report is five hours. The burden associated with the follow-up written report is incurred in the second year of reporting.

**Conducting an Annual Evaluation of the Release** – Although the written follow-up report is prepared and submitted only once, facilities are required to conduct and document an annual evaluation of each hazardous substance release reported under section 103(f)(2) beginning the year after submitting the follow-up written report. This annual evaluation is comparable to the review and information collection necessary for preparation of the follow-up report. The burden associated with the annual evaluation, therefore, is assumed to be the same as the burden of preparing the written follow-up report. The burden associated with the annual evaluation is incurred in the third and all subsequent years.

**Reporting a Change in the Sources, Composition, or Frequency of the Release** – When a facility experiences a change in the sources, composition, or frequency of a release, the release is considered a new release because the associated hazard may have changed significantly. Changes in the sources, composition, or frequency of a release are expected to result only from significant changes in the production process, such as the installation of new equipment or a change in the chemical nature of the process. While such significant changes are expected over the long-term, the likelihood of such a change occurring in a particular year is small. EPA estimates that the number of already reported continuous releases that experience a change in sources, composition, or frequency is equal to 5 percent of the total number of hazardous substance releases being reported under the CRRR in any given year.

Facilities experiencing a change in the sources, composition, or frequency of a continuous release must complete the initial notification process for the release (i.e., an initial telephone call to the NRC and an initial written report and follow-up report to the EPA Region). For facilities experiencing a change in the sources, composition, or frequency of a continuous release, much of the information from the previous initial written report (e.g., facility identifiers, the media affected) should not have changed. It is assumed that the technical time required to evaluate the release, determine whether it is stable in quantity and rate, and accurately document the composition of the release and the environmental media affected would take four hours. The number of management and clerical hours required to report a new continuous release are assumed to be four hours and one hour respectively. Thus, the total burden associated with reporting a change in the sources, composition, or frequency of a continuous release is nine hours.

**Reporting Other Changes in Information** – For changes other than a change in the

sources, composition, or frequency of a release, the person in charge must notify the EPA Region by letter that the information previously submitted in support of a continuous release notification is no longer valid. For example, the population density in the vicinity of the facility would be reported by submitting a letter detailing the change and its cause. Such changes in information previously submitted are likely to occur over an extended period of time, but are much less likely to occur every year. EPA estimates that, on an annual basis, approximately 10 percent of the releases reported under CERCLA section 103(f)(2) will experience a change that requires submittal of a letter to the EPA Region. Gathering and reporting the change in the release by a letter to the EPA Region is estimated to require one hour of managerial time, one hour of technical time, and one-half hour of clerical time for a total burden of 2 and one-half hours.

**Reporting a Statistically Significant Increase in the Release** – As soon as the person in charge of a facility has knowledge that the quantity of a continuous release being reported under CERCLA section 103(f)(2) exceeds the upper bound of its previously established normal range of release weights, the person in charge must notify the NRC. SSIs are episodic release events because the release has not been previously reported or evaluated. To avoid underestimating the burden, this ICR includes the burden for reporting an SSI, even though the burden may be captured in the ICR for episodic releases (EPA 1409.09). The estimated burden of reporting an SSI is based on interviews with chemical industry personnel and the burden associated with reporting similar episodic releases under CERCLA section 103(a). EPA estimates that reporting of an SSI requires one hour of managerial time and one hour of technical time for a total burden of two hours. The technical time consists of determining if the release is reportable, briefing management, and collecting the information required for NRC reporting. The managerial time includes alerting appropriate personnel and transmitting the information required in the telephone call.

Because SSIs are defined as releases that exceed the normal range, and the normal range is defined to include all release quantities recorded during the previous operating year, EPA estimates that no more than 5 percent of the hazardous substance releases reported under the CRRR will experience an SSI in a given year.

**Other Activities** – In response to the government's processing and evaluating the initial and follow-up reports, persons in charge of facilities may be required to: (1) provide additional information or clarify information previously submitted; and (2) accompany EPA personnel during a site inspection.

(1) **Providing Additional Information** – For some percentage of the continuous releases reported under the CRRR, the information provided in the initial and/or follow-up reports will be incomplete, incorrect, or worrisome, prompting EPA to request additional information regarding the nature and extent of the release. For example, EPA may seek additional information concerning release activity in order to better assess the risk posed by the

release. EPA estimates that approximately 30 percent of the initial/follow-up reports could require submittal of additional information or some level of interaction with EPA in the first and second years of reporting. Beginning in the third year of reporting, requests for additional information and further clarification of release information are assumed to be necessary only for newly reported releases. However, this analysis conservatively assumes that the percentage of reportable releases for which additional information is necessary will remain at 30 percent for all years of reporting. For each hazardous substance report that requires additional communication with EPA, industry is estimated to expend four hours of managerial time.

(2) **Facilitating a Site Inspection** – In extreme cases, the preliminary risk assessment of a release will indicate the need for a site inspection, allowing EPA to directly assess and evaluate the circumstances of a release and the population and environment potentially affected by the release. In addition, site inspections are conducted periodically as a compliance and enforcement measure. Site inspections are estimated to be necessary for, at most, one percent of the reported continuous releases. EPA estimates that facility participation in a site inspection requires four hours of managerial time and four hours of technical time for a total burden of eight hours.

**Recordkeeping** – EPA assumes many facilities maintain a log or some other record of each hazardous substance release reported under the CRRR. Facilities may find it useful to collect and record the following information for use in demonstrating compliance with the provisions of CERCLA section 103(f)(2): (1) estimates of daily release quantities to demonstrate the continuity and stability of the release, and to establish and modify the normal range of the release; (2) documentation of the methodology and calculations used in estimating required information; and (3) documentation of the annual assessment required each year subsequent to submission of the follow-up written report. Much of the time necessary to gather these records has already been attributed to the preparation of the initial and follow-up reports, however, it is estimated that an additional four hours of technical time is necessary for keeping records on each hazardous substance release reported under the CRRR.

**Exhibit 1**  
**Unit Burden Hours per Respondent Information Collection Activity**

Collection Activity	When Collection Activity is Performed	Percentage of Continuous Releases that Will Require a Collection Activity	Unit Burden Hours			
			Mgt	Tech	Clerical	Total
Providing an Initial Telephone Notification	When first reporting a release	100% of new releases	1.0	2.0	0.0	3.0
Preparing an Initial Written Report	Within 30 days of an initial telephone notification	100% of new releases	3.0	4.0	1.0	8.0
Preparing a Follow-up Written Report	A year after the submission of an initial written report	100% of all second year releases	3.0	1.0	1.0	5.0
Conducting an Annual Evaluation of a Release	Each year beginning the year after the submission of a written follow-up report	100% of all third year and subsequent year releases	3.0	1.0	1.0	5.0
Reporting a Change in the Sources, Composition, or Frequency of a Release	When the sources, composition, or frequency of a release changes	5% each year of all new and current releases	4.0	4.0	1.0	9.0
Reporting Other Changes in Information	Changes in other information	10% each year of all new and current releases	1.0	1.0	0.5	2.5
Reporting an SSI in a Release	Immediately after an SSI event is noticed	5% each year of all new and current releases	1.0	1.0	0.0	2.0
Other Activities – Providing Additional Information	Upon EPA request	30% each year of all new and current releases	4.0	0.0	0.0	4.0
Other Activities – Facilitating a Site Inspection	Upon EPA request	1% each year of all new and current releases	4.0	4.0	0.0	8.0
Recordkeeping	Each year of a release	100% of all new and current releases	0.0	4.0	0.0	4.0

The estimated annual burden hours incurred by a “typical” facility are presented in Exhibit 2. A typical respondent is assumed to report eight continuous hazardous substance releases in year one and to experience a change in one release in the second and third years of reporting (e.g., the frequency of the release increases from three to five times a week, causing a modification in the estimated annual release amount). No other conditional activities (e.g., SSI

reporting and facilitating a site inspection) are assumed to be required of the typical respondent; the inclusion of burden estimates associated with any additional conditional activities may result in a significant overestimation of the burden incurred by a typical facility.

## Exhibit 2

### Burden Hours for a Typical Facility\*

Collection Activity	First Year Burden Hours				Second Year Burden Hours				Third Year Burden Hours			
	Mgt	Tech	Clerical	Total	Mgt	Tech	Clerical	Total	Mgt	Tech	Clerical	Total
Providing an Initial Telephone Notification	8.0	16.0	0.0	24.0	NA	NA	NA	NA	NA	NA	NA	NA
Preparing an Initial Written Report	24.0	32.0	8.0	64.0	NA	NA	NA	NA	NA	NA	NA	NA
Preparing a Follow-up Written Report	NA	NA	NA	NA	24.0	8.0	8.0	40.0	NA	NA	NA	NA
Conducting an Annual Evaluation of a Release	NA	NA	NA	NA	NA	NA	NA	NA	24.0	8.0	8.0	40.0
Reporting Other Changes in Information	NA	NA	NA	NA	1.0	1.0	0.5	2.5	1.0	1.0	0.5	2.5
Recordkeeping	0.0	32.0	0.0	32.0	0.0	32.0	0.0	32.0	0.0	32.0	0.0	32.0
<b>Total Burden Hours for a Typical Facility</b>	<b>32.0</b>	<b>80.0</b>	<b>8.0</b>	<b>120.0</b>	<b>25.0</b>	<b>41.0</b>	<b>8.5</b>	<b>74.5</b>	<b>25.0</b>	<b>41.0</b>	<b>8.5</b>	<b>74.5</b>

\* A "typical" respondent is assumed to report eight continuous hazardous substance releases in year one and to experience a change in one release in the second and third years (e.g., the frequency of the release per week changes each year, causing a modification in the estimated annual release amount). No other conditional activities are assumed to be required of the typical respondent.

NA = Not Applicable

## 6(b) Estimating Respondent Costs

### Labor Costs

The estimated costs of completing various continuous release reports required under the CRRR are a function of the time expended by industry personnel (i.e., the burden estimates presented in section 6(a)), and the hourly wage rates for the appropriate categories of labor. The hourly wage rates used for industry in this ICR are from March 2000 and were obtained from the



Bureau of Labor Statistics.<sup>1</sup> For purposes of this analysis, EPA estimates an average hourly respondent labor cost of \$55.34 for managerial staff, \$40.05 for technical staff, and \$26.02 for clerical staff.

These rates reflect employer cost for employee compensation in the United States as of March 2000 and include both employer costs for legally required benefits (e.g., social security, worker's compensation, and unemployment insurance), other important fringe benefit categories (e.g., insurance, paid leave, retirement, and savings), and overhead and general and administrative costs. Costs associated with the burden hours presented in Section 6(a) of this ICR are shown in Exhibit 3.

Exhibit 3 presents the unit costs to industry of performing the notification, recordkeeping, and other activities that may be required in reporting a continuous release. The unit cost of each collection activity is calculated by multiplying the annual burden hour estimates in Exhibit 2 by the hourly wage rate for the appropriate labor category (listed above). Exhibit 4 presents the annual labor cost estimated to be incurred by a typical facility. (The reporting pattern assumed for a typical facility is discussed in Section 6(a) above.)

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<sup>1</sup> Two Bureau of Labor Statistics news releases were used to calculate March 2000 hourly wage rates for civilian managerial, technical, and clerical workers. A Bureau of Labor Statistics news release from June 24, 1999 entitled "Employer Costs for Employer Compensation - March 1999" listed hourly compensation (wages and salaries plus fringe benefits) rates for civilian managerial, technical, and clerical workers for March 1999. The Employment Cost Index for March 2000, which allowed for the conversion of March 1999 hourly wage rates to March 2000 hourly wage rates, was found in a Bureau of Labor Statistics news release entitled "Employment Cost Index - March 2000" from April 27, 2000.

The conversion of March 1999 hourly compensation rates for civilian managerial, technical, and clerical workers to March 2000 hourly wage rates required two steps. First, March 1999 hourly compensation rates for civilian managerial, technical, and clerical workers were multiplied by a factor of 1.5 to account for overhead and general and administrative costs. Second, the March 1999 hourly wage rates (wages and salaries plus fringe benefits plus overhead costs plus general and administrative costs) were inflated to March 2000 hourly wage rates by using the March 2000 Employment Cost Index. Therefore, the wage rates used in this ICR include salaries, fringe benefits, overhead costs and general and administrative costs as of March 2000.

**Exhibit 3**  
**Unit Labor Cost per Respondent Information Collection Activity**

Collection Activity	Burden Hours			Unit Labor Cost
	Managerial \$55.34/hr	Technical \$40.05/hr	Clerical \$26.02/hr	
Providing an Initial Telephone Notification	1.0	2.0	0.0	\$135.44
Preparing an Initial Written Report	3.0	4.0	1.0	\$352.24
Preparing a Follow-up Written Report	3.0	1.0	1.0	\$232.09
Conducting an Annual Evaluation of a Release	3.0	1.0	1.0	\$232.09
Reporting a Change in the Sources, Composition, or Frequency of a Release	4.0	4.0	1.0	\$407.58
Reporting Other Changes in Information	1.0	1.0	0.5	\$108.40
Reporting an SSI in a Release	1.0	1.0	0.0	\$95.39
Other Activities – Providing Additional Information	4.0	0.0	0.0	\$221.36
Other Activities – Facilitating a Site Inspection	4.0	4.0	0.0	\$381.56
Recordkeeping	0.0	4.0	0.0	\$160.20

**Exhibit 4**  
**Annual Labor Costs for a Typical Facility\***

Collection Activity	Annual Burden Hours			Annual Labor Costs		
	Managerial \$55.34/hr	Technical \$40.05/hr	Clerical \$26.02/hr	First Year	Second Year	Third Year
Providing an Initial Telephone Notification	8.0	16.0	0.0	\$1,084	NA	NA
Preparing an Initial Written Report	24.0	32.0	8.0	\$2,818	NA	NA
Preparing a Follow-up Written Report	24.0	8.0	8.0	NA	\$1,857	NA
Conducting an Annual Evaluation of a Release	24.0	8.0	8.0	NA	NA	\$1,857
Reporting Other Changes in Information	1.0	1.0	0.5	NA	\$108	\$108
Recordkeeping	0.0	32.0	0.0	\$1,282	\$1,282	\$1,282
<b>Total Labor Costs for a Typical Facility</b>				<b>\$5,184</b>	<b>\$3,247</b>	<b>\$3,247</b>

\* A "typical" respondent is assumed to report eight continuous hazardous substance releases in year one and to experience a change in one release in the second and third years (e.g., the frequency of the release per week changes each year, causing a modification in the estimated annual release amount). No other conditional activities are assumed to be required of the typical respondent.

NA = Not Applicable

**Annual Capital and Operating and Maintenance Costs**

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. EPA does not anticipate that respondents will incur capital costs in carrying out the information collection requirements of the CRRR.

Operating and Maintenance (O&M) costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the PRA as "the recurring dollar amount of cost associated with O&M or purchasing services." The O&M costs that are incurred by industries are shown in Exhibit 5. For this ICR, O&M costs cover photocopying of report templates to be filled out for each release source (25 cents per page) and postage and an envelope for reports sent to the Agency. There are no O&M costs associated with providing the initial telephone notification to the Agency or reporting an SSI under the CRRR. Each written report, the initial written report, the follow-up written report, changes in sources, composition, or frequency of release report, and other changes in information report, are assumed

to require five pages. Requests for additional information by the Agency will vary considerably in scope and length, depending on the nature of the request, however, it is estimated that it will take industry approximately 10 pages to complete the Agency's request. The postage and mailing costs are assumed to be equal for all documents, and are calculated as \$1.70 postage and \$0.30 per envelope, totaling \$2.00 per report. In Exhibit 6, O&M costs for a typical facility are presented.

### **Exhibit 5**

#### **Unit Operating and Maintenance Costs per Respondent Information Collection Activity**

Collection Activity	Unit O & M Costs		Total Unit O & M Cost
	Photocopying (\$0.25/page)	Mailing (\$2/report)	
Providing an Initial Telephone Notification	\$0.00	\$0.00	\$0.00
Preparing an Initial Written Report	\$1.25	\$2.00	\$3.25
Preparing a Follow-up Written Report	\$1.25	\$2.00	\$3.25
Conducting an Annual Evaluation of a Release	\$0.00	\$0.00	\$0.00
Reporting a Change in the Sources, Composition, or Frequency of a Release	\$1.25	\$2.00	\$3.25
Reporting Other Changes in Information	\$1.25	\$2.00	\$3.25
Reporting an SSI	\$0.00	\$0.00	\$0.00
Other Activities – Providing Additional Information	\$2.50	\$2.00	\$4.50
Other Activities – Facilitating a Site Inspection	\$0.00	\$0.00	\$0.00
Recordkeeping	\$1.25	\$0.00	\$1.25

**Exhibit 6**  
**Operating and Maintenance Costs for a Typical Facility\***

Collection Activity	Unit O&M Costs		Total Unit Cost		
	Photocopying (\$0.25/page)	Mailing (\$2/report)	First Year	Second Year	Third Year
Providing an Initial Telephone Notification	\$0.00	\$0.00	NA	NA	NA
Preparing an Initial Written Report	\$1.25	\$2.00	\$26.00	NA	NA
Preparing a Follow-up Written Report	\$1.25	\$2.00	NA	\$26.00	NA
Reporting Other Changes in Information	\$1.25	\$2.00	NA	\$3.25	\$3.25
Recordkeeping	\$1.25	\$0.00	\$10.00	\$10.00	\$10.00
<b>Total O&amp;M Costs for a Typical Facility</b>			<b>\$36.00</b>	<b>\$39.25</b>	<b>\$13.25</b>

\* A "typical" respondent is assumed to report eight continuous hazardous substance releases in year one and to experience a change in one release in the second and third years (e.g., the frequency of the release per week changes each year, causing a modification in the estimated annual release amount). No other conditional activities are assumed to be required of the typical respondent.

NA = Not Applicable

Annual labor and O&M costs incurred by the regulated community are summarized in Exhibit 7.

**Exhibit 7**  
**Unit Labor and Operating and Maintenance Costs per  
Respondent Information Collection Activity**

Collection Activity	Unit Labor Cost	Unit O & M Cost	Total Unit Costs
Providing an Initial Telephone Notification	\$135.44	\$0.00	\$135.44
Preparing an Initial Written Report	\$352.24	\$3.25	\$355.49
Preparing a Follow-up Written Report	\$232.09	\$3.25	\$235.34
Conducting an Annual Evaluation of a Release	\$232.09	\$0.00	\$232.09
Reporting a Change in the Sources, Composition, or Frequency of a Release	\$407.58	\$3.25	\$410.83
Reporting Other Changes in Information	\$108.40	\$3.25	\$111.65
Reporting an SSI in a Release	\$95.39	\$0.00	\$95.39
Other Activities – Providing Additional Information	\$221.36	\$4.50	\$225.86
Other Activities – Facilitating a Site Inspection	\$381.56	\$0.00	\$381.56
Recordkeeping	\$160.20	\$1.25	\$161.45

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DRAFT\*\*\*FOR PUBLIC COMMENT\*\*\*RQ102-CR2\*\*\*March 8, 2001

In Exhibit 8<sup>2</sup>, annual labor and O&M costs for a typical facility are presented.

**Exhibit 8**  
**Labor and Operating and Maintenance Costs for a Typical Facility\***

Collection Activity	Total Labor Costs			Total O&M Costs			Total Costs		
	First Year	Second Year	Third Year	First Year	Second Year	Third Year	First Year	Second Year	Third Year
Providing an Initial Telephone Notification	\$1,084	NA	NA	NA	NA	NA	\$1,084	NA	NA
Preparing an Initial Written Report	\$2,818	NA	NA	\$26.00	NA	NA	\$2,844	NA	NA
Preparing a Follow-up Written Report	NA	\$1,857	NA	NA	\$26.00	NA	NA	\$1,883	NA
Conducting Annual Evaluations	NA	NA	\$1,857	NA	NA	NA	NA	NA	\$1,857
Reporting Other Changes in Information	NA	\$108	\$108	NA	\$3.25	\$3.25	NA	\$112	\$112
Recordkeeping	\$1,282	\$1,282	\$1,282	\$10.00	\$10.00	\$10.00	\$1,292	\$1,292	\$1,292
<b>Total Costs for a Typical Facility</b>	<b>\$5,184</b>	<b>\$3,247</b>	<b>\$3,247</b>	<b>\$36.00</b>	<b>\$39.25</b>	<b>\$13.25</b>	<b>\$5,220</b>	<b>\$3,287</b>	<b>\$3,261</b>

\* A "typical" respondent is assumed to report eight continuous hazardous substance releases in year one and to experience a change in one release in the second and third years (e.g., the frequency of the release per week changes each year, causing a modification in the estimated annual release amount). No other conditional activities are assumed to be required of the typical respondent.

NA = Not Applicable

### 6(c) Estimating Agency Burden and Costs

To comply with the provisions of the CRRR, Federal government authorities perform the following activities (outlined in Section 5(a) of this ICR): (1) process the initial telephone call; (2) process the initial written report; (3) process the follow-up written report; (4) process change in the sources or composition of release reports; (5) process changes in the release information reports; (6) process SSI reports; and (7) conduct any other necessary activities. The estimated burden to the Federal government for completing each of these CRRR-mandated activities is based on the CRRR economic impact analysis. The CRRR Economic Impact is available in

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<sup>2</sup> Exhibit 8 does not include capital costs because there are no capital costs associated with implementing the regulations of the CRRR.

rulemaking Docket Number 103(f)CR - 4-8.

Exhibit 9 presents the estimated burden-hours and unit cost associated with the Federal government's processing and evaluation of the various continuous release reports, as well as the burden and cost associated with any other government initiated activities that may involve the collection of information. The unit cost estimates presented in Exhibit 9 are derived by multiplying the applicable burden estimates by the average hourly wage rate for government employees. Based on the 2000 GS pay schedule, EPA estimates an average hourly labor cost of \$36.00 for the average Federal government employee.<sup>3</sup> A full description of the basis for each government burden estimate is provided in the remainder of this section.

**Processing an Initial Telephone Notification** – EPA estimates that the NRC requires 30 minutes (0.5 hours) to process the information provided in the initial telephone call. The first year unit cost associated with processing the initial telephone call is \$18.00.

**Processing an Initial Written Report** – Government authorities review initial written and follow-up reports to become familiar with the nature and extent of the release, to determine if the release qualifies for reduced reporting under CERCLA section 103(f)(2), and to assess the hazards to public health and welfare and the environment. Government authorities use the risk screening model (i.e., the PAM described in Section 5(b) of this ICR) to conduct a prompt preliminary evaluation of the release. The risk screening model is intended to assist in the identification of those releases that warrant a more thorough review, focusing government time and resources on those releases most likely to pose a threat to public health or welfare or the environment. Further, information from the written reports is entered into the CR-ERNS data base (also described in Section 5(b)). EPA estimates that the preliminary evaluation of the release and any data entry necessary for CR-ERNS require on average, two hours of government time. The costs of processing and evaluating the initial written report are incurred in the first year of reporting. Therefore, the unit cost for processing and evaluating the initial written report is \$72.00.

**Processing a Follow-up Written Report** -- Within one year of submitting the initial written report, facilities must submit a written follow-up report to update and confirm previously submitted information. The follow-up report provides EPA with a more accurate baseline against which to evaluate both the threat posed by the release and the impact that SSIs in the release may have on public health and welfare and the environment. The activities necessary to reevaluate the continuous release and to update the CR-ERNS data base with the newly submitted follow-up report are assumed to be identical to those required to process and evaluate

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<sup>3</sup> This hourly wage estimate was calculated by summing the basic hourly wage rate for a GS-12 step 1 government employee in 2000 (\$22.50) and the hourly monetary value of the representative employee's fringe benefits (assumed to be the basic hourly wage rate multiplied by 60 percent).

the initial written report. The costs associated with the follow-up written report, however, are incurred in the second year of reporting. Therefore, the unit cost for processing and evaluating the follow-up written report is \$72.00.

**Processing a Change in the Sources, Composition, or Frequency of the Release**

**Report** – After initial notification reports have been submitted for a release and reporting under section 103(f)(2) has commenced, EPA must be notified of any changes in release information previously submitted. Any change in the sources, composition, or frequency of a hazardous substance release constitutes a new release. Thus, any facility experiencing a change in the sources, composition, or frequency of a continuous release must complete the initial notification process for the new release. Government activities associated with new release reports consist of the processing and evaluation of the initial telephone and initial written reports. The applicable unit cost is \$90.00 per new continuous release report.

**Processing Other Changes in Information** – For changes in a release other than a change in the sources, composition, or frequency, the person in charge must notify the EPA Region by submitting a letter presenting the updated information and explaining the reasons for the change. EPA estimates that processing a letter of changed information requires approximately 45 minutes (i.e., 0.75 hours) of government time. This estimate consists of the time necessary to input the changed information into the CR-ERNS data base (15 minutes) and evaluate the release in light of the changed information (30 minutes). The shorter evaluation time is assumed because it is necessary to evaluate only the incremental change in the risk using previous assessments of the release (assumed to be on file) as a baseline. The applicable unit cost is \$27.00 per changes in a release report.

**Processing a Statistically Significant Increase Report** – SSIs are episodic releases and must be reported immediately to the NRC. Release quantities in excess of the normal range have not been previously reported and evaluated and, thus, warrant immediate reporting. Upon receiving notification of an SSI, the NRC will record the SSI information in the CR-ERNS data base (15 minutes) and notify the appropriate EPA Region of the SSI report (15 minutes). Upon notification from the NRC (15 minutes), EPA will evaluate the potential hazard posed by the release in light of the SSI (30 minutes). Thus, the Federal government is estimated to require one hour and fifteen minutes (1.25 hours) of government time to process and evaluate each SSI reported under the CRRR. The applicable cost is \$45.00 per SSI Report.

**Other Activities** – For some percentage of continuous releases, the information provided in the initial and/or follow-up reports will be incomplete, incorrect, or worrisome, prompting EPA to request additional information concerning the release and its associated hazard. For example, additional information may be necessary to confirm the continuity and stability of the release or to better assess the risk posed by the release. EPA estimates that the process of requesting and reviewing additional information concerning a continuous release requires 2.0



hours of government time, with an additional 0.5 hours needed to incorporate the new information into the CR-ERNS data base. The applicable unit cost is \$90.00 per request and review of additional information.

In extreme cases, the preliminary risk assessment of a release will suggest the need for a site inspection, allowing EPA to directly assess and evaluate the circumstances of a release and the population and environment potentially affected by the release. In addition, site inspections are conducted periodically as a compliance and enforcement measure. EPA estimates that site inspections will require eight hours of government time, including one hour allocated for the EPA Region to communicate its concerns and findings to the appropriate SERC and LEPC, and will cost \$288.00.

**Exhibit 9**  
**Unit Burden Hours and Costs Incurred by the**  
**Government per Information Collection Activity**

<b>Collection Activity</b>	<b>Burden Hours (\$36.00/hr)</b>	<b>Unit Cost</b>
Processing Initial Telephone Notification	0.50	\$18
Processing Initial Written Report	2.00	\$72
Processing Follow-up Written Report	2.00	\$72
Processing a Change in the Sources, Composition, or Frequency of a Release Report	2.50	\$90
Processing Other Changes in Information	0.75	\$27
Processing an SSI Report	1.25	\$45
Other Activities – Obtaining Additional Information	2.50	\$90
Other Activities – Conducting a Site Inspection	8.00	\$288

**6(d) Estimating the Respondent Universe and Total Burden and Cost**

The estimates presented in this ICR regarding the number of facilities and hazardous substance releases affected by the CRRR were computed using different sources: the actual number of CR-ERNS reports filed; an estimate of the number of reports filed; and the number of telephone calls to the NRC from facilities reporting continuous releases. The number of reports to be filed in the next three years is computed as a percentage of the total number of reports already filed and reflects the number of annual reports in recent years. EPA has estimated that each affected facility has 8 continuous releases above the releases' RQs. Exhibit 10 summarizes the estimated number of facilities and hazardous substance releases already affected by the CRRR. Exhibit 11 presents the estimate for the number of facilities and hazardous substance releases that will be affected by the CRRR in the next three years.

**Exhibit 10**  
**Number of Facilities and Hazardous Substance Releases Already Affected by the CRRR**

	<b>Total Estimated Number of Facilities with Continuous Releases</b>	<b>Estimated Number of Reportable Continuous Releases</b>
EPA Region 1	124	992
EPA Region 2	124	992
EPA Region 3	186	1,488
EPA Region 4	558	4,464
EPA Region 5	434	3,472
EPA Region 6	434	3,472
EPA Region 7	310	2,480
EPA Region 8	124	992
EPA Region 9	124	992
EPA Region 10	124	992
Minus Change Reports	200	1,600
<b>Total in CR-ERNS</b>	<b>2,342</b>	<b>18,736</b>

**Exhibit 11**  
**Number of Facilities and Hazardous Substance Releases**  
**That Will Be Affected by the CRRR in the Next Three Years**

	<b>Total Estimated Number of Facilities with Continuous Releases</b>	<b>Estimated Number of Reportable Continuous Releases</b>
Estimated New Releases in the First Year	176	1,408
Estimated New Releases in the Second Year	189	1,512
Estimated New Releases in the Third Year	203	1,624
<b>Total Over Next Three Years</b>	<b>568</b>	<b>4,544</b>
<b>Total in CR-ERNS After Three Years</b>	<b>2,910</b>	<b>23,280</b>

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DRAFT\*\*\*FOR PUBLIC COMMENT\*\*\*RQ102-CR2\*\*\*March 8, 2001

#### **6(e) Bottom Line Burden Hours and Costs**

The total estimated and annual burden hours and costs incurred by industry affected by the CRRR are presented in Exhibit 12. The total and annual hours and costs incurred by industry are calculated over a three year period. Exhibit 13 presents the total and annual estimated burden hours and costs incurred by government authorities as a result of the CRRR over a three year period. Exhibit 14 summarizes the estimated burden hours and costs incurred by industry. The bottom line burden to industry is approximately 231,636 hours for the first year and 249,028, and 267,688 hours for the second and third years, respectively. The bottom line industry labor costs are approximately \$10,401,341, \$11,182,370, and \$12,020,283 for the first, second, and third years, respectively. The bottom line industry O&M costs are approximately \$71,064, \$76,356, and \$82,069 for the first, second, and third years, respectively. The average burden hours for industry over a three year period is 249,451 at an average labor cost of \$11,201,331 and O&M cost of \$76,496. Exhibit 16 summarizes the estimated burden hours and costs incurred by government. The bottom line burden to the government is approximately 28,166 hours for the first year, 30,260 for the second, and 32,519 for the third year. The bottom line cost to the government is approximately \$1,013,985, \$1,089,369, and \$1,170,684, respectively. The average burden hours for the government over a three year period is 30,315 hours, at an average annual costs of \$1,091,346.

#### **6(f) Reasons for Change in Burden**

This ICR **increases** the burden incurred by industry, as a result of compliance with the CRRR, from 181,180 to 249,451 estimated average burden hours. This **increase** in burden results primarily from the use of data on the actual number of continuous release reports from several regions and applying a growth rate consistent with prior years reporting. The average annual percent increase in facilities in the previous ICR was approximately 7.5%. The same percent increase was assumed for this ICR. The unit burden hours per respondent information collection activity (Exhibit 1) remains the same as the previous ICR.

#### **6(g) Burden Statement**

The reporting and recordkeeping burden for this collection of information is estimated to average approximately 92 hours per affected facility (249,451 total burden hours/2,712 affected facilities), or 11.5 hours per response, including determining if the hazardous substance release qualifies for reporting under the CRRR, gathering and maintaining the required information, and completing and reviewing the written reports.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW,

Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.

**Exhibit 12**  
**Annual Burden Hours and Costs Incurred by Industry**

Collection Activity	# of Reported Releases that Require the Collection Activity Over Three Years			Unit Burden Hours	Unit Labor Costs*	Unit O&M Costs*	Burden Hours Over Three Years			Labor Cost Over Three Years			O&M Costs Over Three Years		
	1st Year	2nd Year	3rd Year				1st Year	2nd Year	3rd Year	1st Year	2nd Year	3rd Year	1st Year	2nd Year	3rd Year
Providing Initial Telephone Notification	1,408	1,512	1,624	3.00	\$135.44	\$0.00	4,224	4,536	4,872	\$190,700	\$204,785	\$219,955	\$-	\$-	\$-
Preparing Initial Written Report	1,408	1,512	1,624	8.00	\$352.24	\$3.25	11,264	12,096	12,992	\$495,954	\$532,587	\$572,038	\$4,576	\$4,914	\$5,278
Preparing Follow-up Written Report	1,322	1,408	1,512	5.00	\$232.09	\$3.25	6,610	7,040	7,560	\$306,823	\$326,783	\$350,920	\$4,297	\$4,576	\$4,914
Conducting Annual Evaluations	17,414	18,736	20,144	5.00	\$232.09	\$0.00	87,070	93,680	100,720	\$4,041,615	\$4,348,438	\$4,675,221	\$-	\$-	\$-
Reporting a Change in the Sources, Composition, or Frequency of a Release	1,007	1,083	1,164	9.00	\$407.58	\$3.25	9,063	9,747	10,476	\$410,433	\$441,409	\$474,423	\$3,273	\$3,520	\$3,783
Reporting Changes in Other Information	2,014	2,166	2,328	2.50	\$108.40	\$3.25	5,035	5,415	5,820	\$218,318	\$234,794	\$252,355	\$6,546	\$7,040	\$7,566
Reporting an SSI	1,007	1,083	1,164	2.00	\$95.39	\$0.00	2,014	2,166	2,328	\$96,058	\$103,307	\$111,034	\$-	\$-	\$-
Other Activities—Additional Information	6,043	6,497	6,984	4.00	\$221.36	\$4.50	24,172	25,988	27,936	\$1,337,678	\$1,438,176	\$1,545,978	\$27,194	\$29,237	\$31,428
Other Activities—Site Inspection	201	217	233	8.00	\$381.56	\$0.00	1,608	1,736	1,864	\$76,694	\$82,799	\$88,903	\$-	\$-	\$-
Recordkeeping	20,144	21,656	23,280	4.00	\$160.20	\$1.25	80,576	86,624	93,120	\$3,227,069	\$3,469,291	\$3,729,456	\$25,180	\$27,070	\$29,100
<b>Total</b>							231,636	249,028	267,688	\$10,401,341	\$11,182,370	\$12,020,283	\$71,064	\$76,356	\$82,069

DRAFT\*\*\*FOR PUBLIC COMMENT\*\*\*RQ102-CR2\*\*\*March 8, 2001

**Exhibit 13**  
**Annual Burden Hours and Costs Incurred by Government**

Collection Activity	# of Reported Releases Estimated to Require the Collection Activity Over Three Years			Unit Burden Hours	Unit Cost	Burden Hours Over Three Years			Cost Over Three Years		
	1st Year	2nd Year	3rd Year			1st Year	2nd Year	3rd Year	1st Year	2nd Year	3rd Year
Processing Initial Telephone Notification	1,408	1,512	1,624	0.5	\$18	704	756	812	\$25,344	\$27,216	\$29,232
Processing Initial Written Report	1,408	1,512	1,624	2	\$72	2,816	3,024	3,248	\$101,376	\$108,864	\$116,928
Processing Follow-up Written Report	1,322	1,408	1,512	2	\$72	2,644	2,816	3,024	\$95,184	\$101,376	\$108,864
Processing a Change in the Sources, Composition, or Frequency of a Release Report	1,007	1,083	1,164	2.5	\$90	2,518	2,708	2,910	\$90,630	\$97,470	\$104,760
Processing Other Change in Information	2,014	2,166	2,328	0.75	\$27	1,511	1,625	1,746	\$54,378	\$58,482	\$62,856
Processing an SSI Report	1,007	1,083	1,164	1.25	\$45	1,259	1,354	1,455	\$45,315	\$48,735	\$52,380
Other Activities— Obtaining Additional Information	6,043	6,497	6,984	2.5	\$90	15,108	16,243	17,460	\$543,870	\$584,730	\$628,560
Other Activities— Site Inspection	201	217	233	8	\$288	1,608	1,736	1,864	\$57,888	\$62,496	\$67,104
<b>Total</b>						28,166	30,260	32,519	\$1,013,985	\$1,089,369	\$1,170,684

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DRAFT\*\*\*FOR PUBLIC COMMENT\*\*\*RQ102-CR2\*\*\*March 8, 2001

**Exhibit 14**  
**Summary of Burden Hours and Costs Incurred by Industry**

	First Year	Second Year	Third Year	Average (over a three year period)
<b>Total Number of Respondents</b>	2,518	2,707	2,910	2,712
<b>Total Burden Hours</b>	231,636	249,028	267,688	249,451
<b>Total Labor Costs (thousand \$)</b>	\$10,401	\$11,182	\$12,020	\$11,201
<b>Total O&amp;M Costs (thousand \$)</b>	\$71	\$76	\$82	\$76

**Exhibit 15**  
**Summary of Burden Hours and Costs Incurred by Government**

	First Year	Second Year	Third Year	Annual Average
<b>Total Burden Hours</b>	28,166	30,260	32,519	30,315
<b>Total Cost (thousand \$)</b>	\$1,014	\$1,089	\$1,171	\$1,091